

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GERALDINE A. TRICE,
 Plaintiff(s),

vs.

JAMIE DAMION, et al.,
 Defendant(s).

Case No. 2:16-cv-01348-MMD-NJK
ORDER
 (Docket No. 37)

Pending before the Court is a motion to stay filed by some Defendants. Docket No. 37. The motion seeks a stay pending resolution of various pending dispositive motions. *See id.*¹ Plaintiff did not file a response to the motion to stay. The Court finds the matter properly resolved without oral argument. *See* Local Rule 78-1. For the reasons discussed below, the motion to stay is hereby **GRANTED**.

The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). “The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The party seeking a stay carries the heavy burden of making a strong showing why discovery should be denied. *See, e.g., Turner Broadcasting Sys., Inc. v. Tracinda*

¹ The other appearing defendants have joined in some of those dispositive motions. *See* Docket Nos. 12, 19.

1 *Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). The case law in this District makes clear that requests to
2 stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the
3 potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken
4 a “preliminary peek” at the merits of the potentially dispositive motion and is convinced that the plaintiff
5 will be unable to state a claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D.
6 Nev. 2013).²

7 Having reviewed the underlying motions to dismiss, the Court finds that these elements are met
8 in this case and **GRANTS** the motion to stay discovery. If the motions to dismiss are not granted in full,
9 the parties shall file a proposed discovery plan within seven days of the issuance of the order resolving
10 the first motion to dismiss that is decided.

11 IT IS SO ORDERED.

12 DATED: August 26, 2016

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NANCY J. KOPPE
United States Magistrate Judge

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27 ² Conducting this preliminary peek puts the undersigned in an awkward position because the assigned
28 district judge who will decide the motion to dismiss may have a different view of its merits. *See Tradebay*,
278 F.R.D. at 603. The undersigned’s “preliminary peek” at the merits of that motion is not intended to
prejudice its outcome. *See id.*